



Appeal Decision

Site visit made on 8 July 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2025

Appeal Ref: APP/M1595/W/25/3363311

106 High Street, Aveley, Thurrock RM15 4BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr A Gokteke against the decision of Thurrock Borough Council.
 - The application Ref is 24/00751/FUL.
 - The development proposed is demolition of existing outbuilding and garage at rear of no. 106, construction of new 1x1 bed residential dwelling and garage for no. 106.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is a discrepancy between the appellant's Site Plan and Location Plan, with the former including land behind 108 London Road within the red edge, and the latter excluding it. As no development is proposed within this part of the site, the discrepancy had not had a bearing on my assessment of the proposal.

Main Issues

3. The main issues in this appeal are the effect of the proposal on:
 - the living conditions of 106 High Street with particular reference to light;
 - the living conditions of future occupiers with particular reference to outdoor space, light and outlook, and noise; and
 - on-street parking and the highways network.

Reasons

Living conditions of 106 High Street

4. The appeal property forms one half of a pair of semi-detached properties. It has a commercial use at ground floor with living accommodation above, and various outbuildings at the rear. The proposal is to demolish the outbuildings and erect a one bedroom dwelling. The land immediately to the west has an extant permission for a bungalow, utilising the same access off New Maltings¹.
5. The proposed dwelling would be positioned close to the rear elevation of No 106, which has a rear facing first floor window. Currently there is a single storey

¹ LPA reference 23/01186/FUL

outbuilding behind No 106 which partially screens the window, but the proposal would result in a larger building which would completely screen the window. Such a juxtaposition would reduce daylighting and sunlighting to the room, with resultant harm to the living conditions of the occupiers of the upper floor accommodation. An assessment has not been submitted to demonstrate that the proposal would not result in loss of light.

6. The proposal would therefore have an adverse effect on the living conditions of 106 High Street owing to loss of light, contrary to Policy PMD1 of the Core Strategy and Policies for Management of Development (as amended) Adopted January 2015 (CS), which seeks to protect the amenity of others from the unacceptable effects of development, and requires an assessment to be undertaken where there are reasonable grounds to believe that a development may cause, amongst other things, a loss of light. The proposal would also be in conflict with the provisions of Section 12 of the National Planning Policy Framework aimed at achieving well-designed places.

Living conditions of future occupiers

7. The proposed dwelling would have a small rear yard. There is no dispute between the parties that the yard would exceed the minimum 5 square metre amenity space required for a dwelling of this size. However, the proposed rear yard would have a poor outlook, with 106 High Street directly behind it and 104 and 108 High Street on either side. It would be surrounded by built form on all sides, with a consequent reduction in daylight and sunlight, and the potential for being overlooked. I recognise that Aveley Recreation Park is in close proximity to the site and would provide a useful facility for future residents, but I nonetheless consider that the proposed outdoor space would fail to provide appropriate living conditions for future occupiers.
8. The kitchen of the proposed dwelling would have a rear-facing window and door onto the rear yard, and would suffer from the same poor outlook and lack of natural light as the rear yard. The appellant has not submitted an assessment to demonstrate that the kitchen would have adequate levels of light. There is therefore insufficient evidence to demonstrate that the kitchen would benefit from suitable living conditions.
9. The proposed bedroom would be lit by four rooflights, which would benefit from unobstructed daylight and sunlight, thereby providing adequate levels of natural light to the room. The Council has argued that a bedroom relying solely on rooflights would provide an oppressive environment, but given that its primary function is for sleeping, such need not be oppressive. I am satisfied that the proposed bedroom would provide suitable living conditions.
10. The proposal includes an integral garage for use by No 106, rather than the occupiers of the proposed dwelling. Notwithstanding that the garage would be used independently of the proposed dwelling, the noise associated with the manoeuvring of a car would not be significant, especially as car movements associated with No 106 would not differ significantly from those which would occur if the garage were allocated to future occupiers of the dwelling. Were I minded to allow the appeal, a condition requiring appropriate acoustic treatment could protect the living conditions of future occupiers.

11. I therefore conclude, notwithstanding my finding that the proposed bedroom would have sufficient light and that future occupiers would not be adversely affected by noise, that the proposal would provide inadequate living conditions for future occupiers owing to inadequate outdoor space, and poor light and outlook in the kitchen.
12. The proposal would conflict with policies PMD1 and PMD2 of the CS, which together require development proposals to provide adequate private amenity space, and protect the amenity of future occupiers from the unacceptable effects of development by requiring an assessment to be undertaken where there are reasonable grounds to believe that a development may suffer from, amongst other things, a loss of light. The proposal would also be in conflict with the provisions of Section 12 of the National Planning Policy Framework aimed at achieving well-designed places.

On-street parking

13. Policy PMD8 of the CS requires developers to use the relevant residential parking standards in order to reduce the risk of inappropriate on-street parking. The Council's Parking Design and Development Standards document dated February 2022 (PDDS) treats one bed houses as flats for the purposes of the standards, with a requirement for 1-1.5 car parking spaces and one cycle space in medium accessibility areas such as Aveley. Whilst the scheme includes a cycle space, it does not make car parking provision for future residents. As such it is contrary to the requirements of the PDDS.
14. The result would be to increase pressure on the car parking spaces serving nearby shops and facilities. Yellow lines and other parking restrictions run the length of High Street such that, apart from car parks serving the village's public houses and Aveley Recreation Park/library, customer parking is mainly limited to layby parking on High Street. In this context, the small number of parking spaces adjacent to the appeal site in New Maltings (several of which are reserved solely for electric cars) are in high demand, which my site visit confirmed. I therefore consider that, even though future residents would be able to walk to the shops in Aveley, they would rely on a car to access higher order services, thus placing greater pressure on on-street parking in the vicinity. This outcome would be to the detriment of highway safety, as it would potentially lead to indiscriminate and unsafe parking.
15. The appellant has offered to be bound by a condition requiring the submission of a Transport Impact Assessment, but since the outcome of the Assessment cannot be prejudged, the matter is not capable of being dealt with in the way suggested. The appellant has suggested a condition requiring the provision of a car club for future occupiers, but as I have no detail of how such a scheme would work, I accord this offer limited weight.
16. I conclude that the proposal would adversely affect on-street parking and the highway network, in conflict with Policy PMD8 of the CS which requires all development to comply with the Council's car parking standards. The proposal would also be in conflict with the provisions of Section 9 of the National Planning Policy Framework aimed at promoting sustainable transport.

Planning Balance

17. The Council has confirmed that it cannot currently demonstrate a five year supply of housing, and consequently paragraph 11(d) of the National Planning Policy Framework should be applied. The policies most important for determining the application are deemed to be out of date and consequently permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
18. The delivery of a one bedroom home in a moderately sustainable location would be a social benefit, whilst economic benefits would accrue from the construction phase. Positively contributing to the Council's housing land supply is also a benefit, albeit in a modest manner for one dwelling. I therefore attach limited weight to the benefits that the scheme delivers.
19. The harm I have identified as arising from the proposal relates to its adverse effect on the living conditions of 106 High Street, its failure to provide inadequate living conditions for future occupiers, and its adverse affect on on-street parking and the highway network. The proposal conflicts with policies PMD1, PMD2 and PMD8 of the CS.
20. The Framework advises that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users, and that good design is a key aspect of sustainable development. The harm to the living conditions of existing and future occupiers, and the lack of car parking provision, would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

21. The proposal would conflict with the development plan as a whole, and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

J Heppell

INSPECTOR